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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,311	11/20/2001	Anuraag Agrawal	6541-59028	9516

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EXAMINER

MOORE, JAMES K

ART UNIT	PAPER NUMBER
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2686

14

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,311

Applicant(s)

AGRAWAL, ANURAAG

Examiner

James K Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-22, 24, 25 and 31-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-22, 24, 25 and 31-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed October 10, 2003 have been fully considered but they are not persuasive.

Regarding claim 17, the applicant argues that Aravamudan does not teach or suggest obtaining application presence data for selected applications. See page 5 of the Amendment. However, this argument is unpersuasive. Aravamudan discloses that a message type (i.e., instant message) is selected by a CSP. See col. 9, lines 10-13. An instant messaging application is associated with an instant message. Aravamudan also discloses that application presence data (i.e., online presence) is obtained by the CSP. See col. 7, lines 5-9. The online presence data is associated with the instant messaging application since it is used by the application. See col. 7, lines 13-16.

Regarding claims 24 and 31, the applicant argues that Glasser fails to teach or suggest a message preparation indicator associated with a selected message type, and merely teaches providing notification that a keyboard or mouse or the like is in use. See page 6 of the Arguments. However, this argument is unpersuasive because Glasser clearly discloses that the keyboard/mouse detection is used in the context of determining whether an instant message is being prepared, and that the indicator is associated with instant message preparation. See col. 1, line 64 through col. 2, line 3, and col. 2, lines 27-34.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 17-20, 22 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Aravamudan et al. (U.S. Patent No. 6,301,609).

Regarding claim 17, Aravamudan discloses a messaging method comprising: selecting a message type (instant message) for a message (event notification) for delivery to a selected recipient; evaluating application presence data (online status) associated with the recipient and an application (instant message application) associated with the selected message type; and processing the message based on the evaluation. See col. 8, line 32 through col. 9, line 44.

Regarding claim 18, Aravamudan discloses all of the limitations of claim 17 and also discloses that the method comprises obtaining the presence data from a presence repository (personal data and rules database 168). See col. 6, lines 18-31 and col. 8, lines 51-55.

Regarding claim 19, Aravamudan discloses all of the limitations of claim 17 and also discloses that the method comprises obtaining the presence data from an application server (IM server 130). See Figure 1 and col. 7, lines 3-20.

Regarding claim 20, Aravamudan discloses all of the limitations of claim 17 and also discloses that the method comprises delivering the message to the user if the evaluation indicates that the recipient is available. See col. 9, lines 10-24.

Regarding claim 22, Aravamudan discloses all of the limitations of claim 17 and also discloses that the method comprises directing the message to a destination selected based on the evaluation. See col. 9, lines 10-18.

Regarding claim 37, Aravamudan discloses all of the limitations of claim 17 and also discloses that the selected application is an instant messaging application. See col. 8, line 32 through col. 9, line 44.

4. Claims 31 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Glasser et al. (U.S. Patent No. 6,519,639).

Regarding claim 31, Glasser discloses a messaging method comprising preparing a message of a selected message type (instant message) for delivery to a recipient, evaluating application presence data associated with the recipient and the selected message type, and transmitting a message preparation indicator associated with the selected message type to the recipient based on the evaluation. See col. 1, line 64 through col. 2, line 64; col. 9, line 66 through col. 10, line 23; and Figure 3.

Regarding claim 34, Glasser discloses all of the limitations of claim 31, and also discloses that the message is delivered to the selected recipient if the evaluation indicates that the recipient is available. See col. 9, line 66 through col. 10, line 23.

Regarding claim 36, Glasser discloses all of the limitations of claim 31, and also discloses that the message is directed to a destination selected based on the evaluation. See col. 9, line 66 through col. 10, line 23.

Claim Rejections - 35 USC § 103

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan.

Regarding claim 21, Aravamudan discloses all of the limitations of claim 17 but does not disclose that the method comprises discarding the message if the evaluation indicates that the recipient is unavailable. However, Aravamudan discloses that one of the message types may be the status of selected buddies. See col. 8, lines 43-51. One of ordinary skill in the art recognizes that there is no point in saving this type of message and forwarding it to the user at a later point in time. Such a message is only useful if it is received proximate to the time it was generated because the on-line status of selected buddies is likely to change frequently. Therefore, it would have been obvious to discard this type of message if the evaluation indicates that the recipient is unavailable, in order to clear space in the memory of the CSP.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al. (U.S. Patent Application Publication No. 2002/0021307) in view of Glasser et al.

Regarding claim 24, Glenn discloses a messaging method comprising displaying user presence data (presence indicators) for a list of recipients and delivering a message of a selected message type (e.g., instant message) based on the displayed user presence data. See paragraphs 19-25. Glenn does not disclose that the method comprises displaying a message preparation indicator associated with at least one recipient and the selected message type, where the message preparation indicator is

associated with message preparation of a message of the selected type. However, Glasser discloses a messaging method that comprises displaying a message preparation indicator associated with recipients of instant messages, where the message preparation indicator is associated with message preparation of an instant message. See col. 1, line 64 through col. 2, line 64 and Figure 3. Glasser teaches that one of the benefits of the method is that it provides a smooth conversational flow between instant messaging participants without greatly increasing the flow of network traffic. See col. 1, lines 22-61. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glenn with Glasser, such that the method comprises displaying a message preparation indicator associated with at least one recipient and the selected message type, where the message preparation indicator is associated with message preparation of a message of the selected type, in order to provide a smooth conversational flow between instant messaging participants without greatly increasing the flow of network traffic.

7. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glasser et al. in view of Aravamudan.

Regarding claim 32, Glasser discloses all of the limitations of claim 31, but does not disclose that the presence data is obtained from a presence repository. However, Aravamudan discloses an instant messaging system that comprises a presence repository (personal data and rules database 168) that stores presence data for instant messaging users. See col. 6, lines 18-31. It would have been obvious to one of

ordinary skill in the art at the time of the invention to modify Glasser with Aravamudan, such that the presence data is obtained from a presence repository, in order for the presence data to be deemed reliable.

Regarding claim 33, Glasser discloses all of the limitations of claim 31, but does not disclose that the presence data is obtained from an application server. However, Aravamudan discloses an instant messaging system that comprises an application server (IM server 130) that interfaces with instant messaging users and provides presence data of selected buddies to the users. See Figure 1 and col. 7, lines 3-20. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glasser with Aravamudan, such that the presence data is obtained from an application server, in order to provide a mechanism for distributing user presence data to all relevant users.

8. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glasser et al. in view of Shah (U.S. Patent Application Publication No. US 2001/0013069).

Regarding claim 35, Glasser discloses all of the limitations of claim 31, but does not disclose that the method comprises discarding the message if the evaluation indicates that the recipient is unavailable. However, Shah teaches a messaging system which evaluates application presence data associated with a selected message recipient and allows the message sender to discard the message if the evaluation indicates that the recipient is unavailable. See paragraphs 6, 40, 50, and 71. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify

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Glasser with Shah, such that the message may be discarded if the evaluation indicates that the recipient is unavailable, in order to conserve space in the memory of the server which initially receives the message.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (703) 305-4379.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ken Moore

1/6/04

Ken

Charles Appiah
CHARLES APPIAH
PRIMARY EXAMINER